

EXHIBIT "A"

1 A. Right.

2 Q. There was never a time you were out there
3 overnight?

4 A. No, no.

5 Q. So you were staying in a hotel at the time?

6 A. Right.

7 Q. Where were you staying?

8 A. It was in Barnegate Light, Barnegate, New
9 Jersey. I can't remember the name. Oh,
10 yeah, it's the Quarter Deck is the name of
11 it, the hotel I stayed at.

12 Q. Where was the job site?

13 A. Barnegate Light in New Jersey.

14 Q. What were you doing precisely?

15 A. We were putting stone around the lighthouse
16 because the lighthouse was caving in in the
17 water.

18 Q. So you were working from the barge to do
19 that?

20 A. Right.

21 Q. So every morning you'd drive from the hotel
22 to the dock?

23 A. Correct.

24 Q. Get in the tugboat and the tugboat would take

1 you out to the wood I?

2 A. Right.

3 Q. And you would work on the wood I doing the
4 job around the lighthouse?

5 A. Right.

6 Q. And then the tugboat would come and get you
7 at quitting time?

8 A. You have to have a boat standing by Coast
9 Guard regulations.

10 Q. Okay.

11 where exactly would the tugboat be?

12 A. Right along the port side.

13 Q. Can you describe for me specifically the work
14 that you were doing?

15 A. I was running the wenches. I was a mate
16 engineer. I did the mate work which is
17 running the wenches and the engineer, I took
18 care of all of the engines on the rig.

19 Q. Okay.

20 A. And then I would have to run the little boat
21 to run back and forth to pick up any crew
22 members that wanted to come. Or we have
23 safety guys that have to come out, and I
24 would go out and pick them up and bring them

1 back. Or if the captain or superintendent
2 wanted to come out, I would have to pick them
3 up.

4 Q. And that's on the gunny?

5 A. No, that's on the little skiff it's called.

6 Q. Is there a name for the skiff?

7 A. No, it's a skiff.

8 Q. Did you tell me that the wood I is a crane
9 barge?

10 A. Yes.

11 Q. So there was someone there operating the
12 crane?

13 A. Right.

14 Q. Who was that?

15 A. Joseph Knowlton. It's K-n-o-w.

16 Q. He's the crane operator?

17 A. Right.

18 Q. Is there someone that tags the crane, signals
19 the train -- crane?

20 A. I'm the guy who tells him when to start
21 loading the barge and, yeah, which is the
22 mate.

23 Q. So you use these hand signals to --

24 A. I have a radio and the hand signals, yeah.

1 If I'm on the deck and he can't hear me
2 because the engine's running, I give him hand
3 signals.

4 Q. And take me, someone who's never been out
5 there and never seen it, take me through your
6 day, you know, how does that work? Are
7 you --

8 A. You would go on board and where I'm the
9 mate, I would have to go in and start up all
10 the engines because I was also the engineer.
11 I'd have to start up all the engines, get all
12 the air pressure going.

13 Q. These are the wenches?

14 A. The wenches and the crane. I would have to
15 start the crane and the wenches and get all
16 the pressure up before we do anything. And
17 let him know when we can do anything. And he
18 would load up the rock on the side of the
19 barge.

20 Q. And how would you let him know?

21 A. Usually he would be down with me. He was
22 having his coffee and I would tell him go
23 ahead, you have pressure.

24 Q. And do you have any responsibilities with

1 regard to the crane after he begins --

2 A. No.

3 Q. -- the work?

4 A. No.

5 Q. You don't direct him or anything like that?

6 A. No, no.

7 Q. Does he need anybody to direct him?

8 A. No, he has a roped off area. No one's

9 allowed near it.

10 Q. So he's just doing his thing with the crane?

11 A. He's just going, right.

12 Q. Well, who else is on the barge during these
13 operations?

14 A. You want names?

15 Q. Give me positions and then names.

16 A. Positions, okay. Kenny King, he was the
17 captain.

18 Q. And these names that you're giving, are these
19 -- Cashman uses these names or are these the
20 union names?

21 A. Some of them are.

22 MR. ROSENTHAL: Objection to form.

23 A. Some of them are Cashman guys I guess. Some
24 of them are union guys. Is that what you

1 mean?

2 Q. Like on a Coast Guard ship, you know, like a
3 merchant marine?

4 A. Right.

5 Q. You've got people with positions and are
6 recognized by the Coast Guard?

7 A. Right.

8 Q. So you're saying he's the captain --

9 A. Right.

10 Q. -- of the barge?

11 A. He's the captain of the barge.

12 Q. And I'm just wondering if that's what Cashman
13 calls him as well, the captain?

14 A. Right, they sent him as a captain.

15 Q. And let me ask you, are all the guys over
16 there union guys?

17 A. Yeah, I didn't meet any that weren't. There
18 are some company guys, but they don't work
19 with us. Company guys aren't allowed to work
20 with our equipment.

21 Q. That's what I was going to say. You wouldn't
22 work alongside a non union man --

23 A. No.

24 Q. -- would you?

1 A. No.

2 Q. Or a woman?

3 A. Right.

4 Q. So Kenny King was the captain?

5 A. Yeah. And --

6 Q. And he's the guy hired through the union just
7 like you were, right?

8 A. Yes.

9 Q. And generally speaking, what does he do on
10 the barge?

11 A. Tell me what to do. He tells everybody what
12 to do. I mean, he would try to help out when
13 he can.

14 Q. Right.

15 A. I mean, he does a lot of paperwork I'm sure.
16 I've never been a captain, I don't know.

17 Q. So he's not a laborer?

18 A. He helps.

19 Q. Okay.

20 A. Yep, he helps when he can.

21 Q. Who else we got?

22 A. You got the Frankie Pilate. And he's a
23 welder.

24 Q. What would he do on the barge?

1 A. welding.

2 Q. How much welding needed to be done?

3 A. He did welding everyday.

4 Q. For what?

5 A. Well, he always ended up with busted spud
6 wells or a bit that's going to come apart so
7 you got to weld it.

8 Q. Oh, this is for maintenance of the barge?

9 A. Maintenance, constant.

10 Q. That was his job?

11 A. His job, right. weld all day.

12 Q. So he's not directly involved in these
13 repairs on the lighthouse?

14 A. Yeah, well, he -- when a barge would come
15 alongside, he's got to be there to help grab
16 lines. You know, it takes more than one guy
17 to tie up a barge.

18 Q. You're saying when another barge would come
19 alongside your barge?

20 A. Right. When my barge would come alongside a
21 flat barge to load the stone on, we would
22 need guys to, you know, tie up the barge
23 alongside of us so the operator can load it.

24 Q. So he'd help out with that?

1 A. Right.

2 Q. Who else would help out with that?

3 A. The guys on the tugboat gunny, they would
4 help.

5 Q. Who else is on the barge working with you?

6 A. That's -- well, on this crew, that was it.
7 Usually there would be two or three more
8 guys, but that's it. I did the mate and the
9 engineer's job.

10 Q. So on this particular job, it was three of
11 you that were assigned to the barge?

12 A. Three of us that were always on the barge,
13 right.

14 Q. How did you get along with these other guys?

15 A. I got along fine with them.

16 Q. No problems with them?

17 MR. ROSENTHAL: Objection to form.

18 A. I mean, we had our arguments, you know, just
19 like anybody else. You basically live with
20 these people for months on end.

21 Q. Fair to say anything they did or didn't do
22 caused your accident?

23 MR. ROSENTHAL: Objection.

24 A. Well, I mean, yeah, I don't know. I don't

1 know what you mean by that question. They
2 didn't go out there and sink the boat on me.

3 Q. Let me ask you a little bit more about what
4 you actually did on the barge.

5 So as the engineer, you were
6 responsible for the machinery on the barge?

7 A. Right. All the engines.

8 Q. How much of your time did that take up?

9 A. Four or five hours a day.

10 Q. Okay.

11 A. Some days more. Some would break, of
12 course. I'd have to get it fixed.

13 Q. What other things did you do on the barge?

14 A. Repairs to the bucket that picks up the
15 rock. I fueled everything. I had to take
16 care of all the fuels. Run the wenches, to
17 move the barge back and forth.

18 Q. How much of your time would those tasks take
19 typically?

20 A. Eight or ten hours a day you worked,
21 depending on the day.

22 Q. And you mentioned that Frank would handle
23 lines if another barge came alongside?

24 A. Yeah.

1 Q. Did you have to do that as well?

2 A. Oh, yeah, absolutely.

3 Q. How often would that occur?

4 A. Usually twice a day. You'd load one and
5 we'd take it away on the tugboat. And then
6 he'd bring another one. You'd load two, try
7 to load two a day and you'd get out there and
8 dump two, bring it along.

9 Q. So this is the barge that's the receptacle
10 for the stone?

11 A. Right.

12 Q. And those barges are towed by --

13 A. A tugboat.

14 Q. And that's a separate tugboat than the gunny
15 that's --

16 A. No, same tugboat.

17 Q. The gunny would be --

18 A. They would set up an anchor system. Put the
19 barges out on an anchor. And if it was too
20 far, you know, go pick up one and bring it in
21 and then take the loaded one and bring it
22 back out just to complete cycle all day?

23 Q. And that's when you would assist in --

24 A. Grabbing lines, right.

1 Q. Have you ever been in the merchant marine?

2 A. No.

3 Q. Have you ever held a Coast Guard license?

4 A. No.

5 Q. You never worked as a captain?

6 A. I run tugboats, but I don't need to have a
7 license. As long as there's a captain on
8 board with a license, I can run the boat.

9 Q. And who have you run tugboats for?

10 A. Jay Cashman. I worked with a couple of
11 captains for him.

12 Q. Let's get to the day where you got hurt. Do
13 you remember what day of the week it was?

14 A. I thought it was Tuesday, but it's not. I
15 believe it's Thursday, I believe it was. I'm
16 not sure.

17 Q. Did you have set hours working there?

18 A. Yeah, you would show up at eight -- seven in
19 the morning.

20 Q. What was quitting time?

21 A. Whenever we got done unloading the barge.

22 Q. What time would that typically be?

23 A. Anywhere from five to seven.

24 Q. P.M.?

1 A. Five p.m., right. Five p.m. to seven p.m.

2 Q. What time of day did you get hurt at?

3 A. Between -- I can't really -- between ten and
4 eleven.

5 Q. In the morning?

6 A. Right, a.m.

7 Q. So let me ask you this: You showed up for
8 work at seven a.m. --

9 A. Right.

10 Q. -- in your typical fashion?

11 A. Yes.

12 Q. Nothing special about that day, was there?

13 A. No.

14 Q. Up until at least you got hurt?

15 A. Right.

16 Q. The tugboat takes you out to the barge?

17 A. Right.

18 Q. And you begin starting up the crane?

19 A. Right. I fuel everything before I start an
20 engine. I fuel the crane, then I fuel mine
21 -- I start the crane so he can get going. I
22 start him up and then I fuel my wenches and
23 anything that needs fuel. And then I start
24 my stuff up to get the air going and then you

1 wait and you start, you know, you start your
2 work.

3 Q. What did your work consist of that day after
4 you did those tasks?

5 A. That day we were talking. They're either
6 called shanks for the bucket and we were
7 cutting them off, using a torch. Cutting the
8 shanks off, getting them ready for the new
9 shanks and new bolts we were getting in.

10 Q. And what specifically is a shank?

11 A. It holds the teeth onto a bucket.

12 Q. And you were cutting these with a torch?

13 A. With a torch, right.

14 Q. And I'm just trying to get a feel for your
15 day then. How long does it take to get the
16 machinery up and running?

17 A. As long as it's not too cold out, 35, 40
18 minutes roughly.

19 Q. So on this day what time approximately did
20 you begin cutting the shanks with the torch?

21 A. Probably about 8:30, 9:00 we were cutting.

22 Q. Okay.

23 A. We had the new shanks and new bolts coming.
24 So I was called to go do that, to go get them

1 on the skiff.

2 Q. You were called on the radio?

3 A. I was called on the radio. I didn't take
4 the call. It was Kenny King that took the
5 call.

6 Q. Okay.

7 A. I went -- I had the welder. He cuts. He's
8 in charge of all that. He goes out and help,
9 you know, get the job done. And --

10 Q. Well, let me just slow it down.

11 A. I know.

12 Q. It's difficult when you're not there to
13 visualize the whole thing.

14 A. Right.

15 Q. So Kenny King takes the call on the radio,
16 right?

17 A. I believe it was either his radio or Nextel.
18 But, yeah, he was the one that told me.

19 Q. Who would have been contacting him?

20 A. His last name is Weber. He's the
21 superintendent, I can't remember his name.

22 Q. But he's back on land?

23 A. The superintendent is, yes. The captain was
24 on board.

1 Q. What was the message from shore?

2 A. He told me that they were going to get the
3 parts and they'd let me know when they came
4 in to get the parts.

5 Q. Okay. So on shore they were getting some
6 parts?

7 A. Right.

8 Q. And that they were going to contact you when
9 they came in?

10 A. Right, to pick them up.

11 Q. And the parts specifically were what?

12 A. They were shanks and nuts and bolts.

13 Q. For the bucket?

14 A. For the bucket.

15 Q. At approximately what time did the call come
16 in from shore that the parts were available?

17 A. They hadn't. I had gone out to drop off the
18 safety man, he was going to get lunch.
19 Because it takes a while to get him to shore.
20 And then for him to drive 30 minutes to go
21 buy lunch because we were out in the boonies.
22 And then as I was coming back, I wish I could
23 remember his name. Anyway, the
24 superintendent waved me over and said, I have

1 the parts you need. So I went over to the
2 shore and picked them up.

3 Q. Okay. So just to go through this slowly.
4 when the call came in from shore that Kenny
5 King or whoever took, you weren't on the
6 barge at that time?

7 A. I was on the barge, but I didn't take the
8 call. I was outside cutting.

9 Q. But at some point irrespective of the call,
10 you went to for a lunch run?

11 A. Right.

12 Q. And mentioned the safety man?

13 A. Right.

14 Q. Who is that?

15 A. I don't know his name.

16 Q. Is that someone who works on the barge?

17 A. He doesn't work on the barge. He just
18 stands by to make sure no one does anything
19 bad.

20 Q. He'd probably call it work, though.

21 A. Yeah, right, work, yeah.

22 Q. Is he a union guy, too?

23 A. No.

24 Q. Is he a Cashman guy?

1 A. Cashman hires out safety people, right.

2 Q. He's just there to watch and make sure no one
3 does anything unsafe?

4 A. Yeah.

5 Q. Is that the extent of his job?

6 A. That's it.

7 Q. How do you get that job?

8 A. I don't know. I asked him.

9 Q. He wasn't telling I bet.

10 A. No.

11 Q. The people who at any time were present on
12 the barge on the date that you -- of your
13 injury, you told me all of them. Are there
14 any other people?

15 A. They weren't on the barge, they were on the
16 boat. They weren't actually on the barge.
17 They were other guys and I don't know all
18 their names.

19 Q. The safety man is on the barge?

20 A. The safety man wasn't -- he was on the
21 barge, yeah. That was my fault. I forgot
22 his name. I hardly ever saw him. I can't
23 remember his name. Yeah, I brought him to go
24 do his lunch thing.

1 Q. And I'm just a little uncertain of the
2 chronology. When you took him in the skiff
3 to go get lunch?

4 A. Right.

5 Q. Where is the skiff located?

6 A. It was on the starboard side of the dredge.

7 Q. Tied up alongside the dredge?

8 A. Right.

9 Q. And that's there on a daily basis?

10 A. It's always there, yeah.

11 Q. What's the purpose of the skiff?

12 A. To run people back and forth like I told
13 you.

14 Q. Like little errands?

15 A. Right.

16 Q. But you don't use that skiff to get out to
17 the barge?

18 A. To work.

19 Q. In the morning?

20 A. No, no.

21 Q. Why is that?

22 A. It's too small for that many people to get
23 on it. You're talking -- I mean, it has four
24 inches of free board and you don't put that